

Geo. H. Cartwright
PROCEEDINGS

ON THE

✓ TRIAL

OF

The BISHOP of BANGOR,

AND OTHERS,

At the ASSIZES, held at SHREWSBURY,

ON TUESDAY, JULY 26, 1796,

BEFORE MR. JUSTICE HEATH,

ON AN INDICTMENT FOR AN ASSAULT AND RIOT.

L O N D O N:

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1796.

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THE
T R I A L
OF THE
BISHOP OF BANGOR, &c.

[The Indictment had been preferred and found at Conway, and was moved by a Writ of *Certiorari*, to be tried at the Assizes for the County of Salop, at Shrewsbury.]

SHREWSBURY ASSIZES,

TUESDAY, JULY 26, 1796.

Before Justice Heath and a Special Jury of the County of Salop.

BEFORE Six o'Clock in the morning, the Court began to fill, and at half past Seven it was crouded by all the neighbouring Gentry, who were very anxious to hear this extraordinary Trial.

This was an indictment against JOHN WARREN, Lord Bishop of Bangor; HUGH OWEN, Clerk; JOHN ROBERTS, Clerk; JOHN WILLIAMS, Clerk; and THOMAS JONES, Gentleman.

The substance of the indictment was, That Samuel Grindley, Gentleman, was, on the 8th of January last, and still is, Deputy Register of the Episcopal and Consistorial Court of the Bishop of Bangor, and lawfully appointed to that office; and being such Deputy, he had, and of right ought to have, the use, occupation, and enjoyment of a certain office-room, or apartment, adjoining to the Cathedral Church of Bangor, called the Register's Office, for the purpose of exercising and transacting the business of his office. Such was the first count of the indictment.

The second count states, That the Bishop of Bangor, and the other Defendants, well knowing these facts, but being ill-disposed persons, and devising and intending to disquiet and disturb Mr. Grindley in the execution of his office of Deputy Register, and forcibly, violently, and unlawfully to expel and remove him from that office, and to molest and trouble the King's peace and tranquillity of the kingdom, did, on the 8th of January last, with force of arms, riotously, routously, and unlawfully assemble and congregate with many others to disturb the peace; and being so assembled, riotously and unlawfully broke the Register Office, and remained there for an hour, against the will of the said Samuel Grindley; and during that time made a great noise and disturbance there, and terrified Mr. Grindley and his servants, and assaulted Mr. Grindley, and threatened him with loss of life, &c. and affirmed that Mr. Grindley unlawfully and unjustly assumed the office of Deputy Register of this place.

The third count stated, that the Defendants being so unlawfully assembled, did stir, move, and persuade others to remove Mr. Grindley from his office, as also his servants, to the manifest disturbance of the public peace.

The fourth count stated, that the Defendants did unlawfully assemble, and being so assembled, caused a great riot to take place, and that an assault was committed on Mr. Grindley, and also threatened and menaced him, &c.

The fifth count stated, that the Defendants did unlawfully assemble, and afterwards assaulted Mr. Grindley.

To this the Defendants pleaded Not Guilty.

We have thus sketched out the substance of the indictment, in order that our readers may see the substance of the question between the parties.

The pleadings were opened by Mr. ELLIS.

Mr. Adam then opened the case on behalf of the prosecution.

He professed, in the outset, to have no inclination, nor to have any instructions from his client, to observe any thing that was not moderate, and consonant to the pure and charitable principles of the Christian religion, to teach and inculcate, which was the office of the Defendant, who stood in the most conspicuous situation on the pleadings in this cause.

He then paid a very handsome compliment to the great and splendid talents of Mr. ERSKINE, whose abilities the Defendants had the good fortune to call in their aid in the present cause, and neatly alluded to the proof which that Learned Gentleman gave, in the very place where this cause was tried, of those distinguished talents that have done him so much honour, and his clients so much service in the course of his brilliant professional career.

He then took occasion to observe, that an application was made to Lord Kenyon to remove this cause from the place whence it originated to the Court wherein it was now to be determined. That Learned and Noble Judge, whose integrity and wisdom were the admiration of those who know him, thought that from the circumstances that were disclosed when that application was made, the cause ought not to be removed. It was unnecessary, he observed, to say any thing to the present Jury against their suffering any prejudice to operate upon their minds. He knew they were superior to any feelings that could be injurious to the pure administration of justice. Uudoubtedly they would not be dazzled by the rank of the Defendant. Nor need they be struck with the novelty of the case before them, for this was not the first intance where a Dignitary of the Church had been brought before a Court of Justice to answer for a misdemeanour. It was his duty to his client and to the public to make these observations, in order to remove from the minds of the Jury all prejudice in this case, if it could possibly happen they should have any. He said this, not indeed so much as an address to the Jury as to those who surrounded him, and who occupied other parts of the hall, and who were mere auditors; for he really did not think it probable that a caution of this kind could be necessary to a Jury so well educated and enlightened in their understandings, as he was persuaded the Gentlemen were to whom he had the honour of addressing himself. He wished also to be understood as by no means stating this case as a reflection upon the general religious establishment of this country. Far from it, for the complaint now exhibited was confined to the individuals on this record, and reached no further, nor could have any effect to prejudice the ideas we had of the rank of the Reverend Prelate, who was the leading defendant in this case, nor of the principles which the Reverend Bench, of which he was a member inculcate. On the contrary, he felt a desire, and he was instructed by his client to say, that nothing can be more conducive to happiness in human life than a strict adherence to the principles of the Christian religion. It was as much our interest as it was our duty to regard the regular establishments of the different branches of our Government with respect, and no part demanded more of that respect than the forms of our religion. He must therefore again desire to observe that this complaint was not against the professors of religion generally, but against the individuals upon this record.

There was another circumstance to which he must allude, and call the attention of the Jury. It was painful to him to see that an individual of the rank of a Bishop should be a defendant upon such an occasion. It certainly was a serious charge against him, either as a Minister of Religion, or a Peer of Parliament; but he must not omit saying that in the course of his

professional life, he had derived satisfaction from the conduct of that learned Prelate, but he was now performing a duty which was cast upon him, and no personal consideration should induce him to abandon it.

He then proceeded to state to the Jury why this question was brought before them in that place, and why they were called upon for a verdict upon it, and then he would state what the law of the land was upon this subject, at least what he apprehended it to be. First then, this prosecution was brought to this place, because the law of the land warranted the doing so; secondly, it was brought by the prosecutor, as a fair, justifiable, and honest endeavour to vindicate his own character. He was stating nothing more than a legitimate ground of law, when he stated, that it was in the power of any individual to use the King's name in a criminal proceeding, either for an assault, a riot, a libel, or for the vindication of his own character, if any unfair attack should be made upon it.

The situation of the Prosecutor of this Indictment was this. By his industry and abilities he gained to himself a livelihood. He was in the eye of the public where he lived, and in the society to which he belonged, much esteemed, and if he had not brought this prosecution forward under the inspection of the public eye, he must have been neglected by his acquaintance as a person who had not a just esteem for his character, and thereby deprived of great part of the means whereby he supported himself and his family. These were the principles on which this prosecution was founded; they did not involve any thing of a vindictive spirit; they were principles on which every man had a right to act; they were principles which must have been acknowledged to be just, if he had brought his action of damages.—They were therefore in all points of view principles that could not be censured. Now what was the case here, and what the difference between this mode of proceeding, and that of a civil action? Only that the Prosecutor might defend himself from the consequences of an injury in a more plain and simple manner than if he had brought an action.

The Indictment in this case stated a riot, and complained that the party mentioned were guilty of it, and that they had assaulted the Prosecutor as Deputy Register of the Diocese of Bangor. Stating the case in this specific manner was dealing handsomely by the Defendants. It was putting the merits of the real case in issue. There was no count in the indictment for a common assault in the common mode, in order to include any petty affray that might have arisen out of the original point. This proved the spirit of the prosecutor to be above catching at a hair to obtain a verdict, which he certainly might have done, had he been so disposed.

Mr. ADAM then proceeded to state most clearly the different ingredients of which riots, assaults, affrays, &c. are compounded,

ed, and what the law requires to be proved before they be so denominated, commenting as he went along, and alledging that the present case came within the definition of the law so as to constitute a misdemeanor in the defendants, in the manner stated in the indictment.

He had no object, he said, in stating this, but to be understood by those who heard him. Artifice, as an orator, he was not conscious of possessing, nor of a desire to use it if he did possess it, and therefore if the Jury should behold in his action any extravagance of gesture, or heard from his voice any abrupt or ill-modulated elevation, he begged they might set it down to the score of desire to be understood, without a wish to depart from that candour and moderation which the gravity of the case and the dignity of the party demanded. All his labour should be directed to making the Jury perfect masters of the facts in cause.

He had already said that the prosecutor was Deputy Register of the Cathedral Court of the Diocese of Bangor. It was essentially necessary he should make the Jury acquainted with the nature of that office, and likewise with some local circumstances which belonged to this prosecution. The prosecutor, as he had already said, was Deputy Register of this Consistorial Court, appointed by the Register himself, of whose office the Bishop has the appointment. The general nature of the duty of the Deputy Register was this: He was entrusted with, and therefore should take care of the archives and muniments of the Consistorial Court; all the acts of a juridical nature; all the wills and testaments of persons who die within the jurisdiction of the Court were under the care of the Deputy Register. The Jury would observe, therefore, that this was an office of great importance; inasmuch as the safe custody of the archives and muniments, and the juridical acts of that Court were such as to render it extremely essential to the public interest that they should be taken proper care of, and the person to whom that care was entrusted was the Deputy Register.

On the law of the land, as it regarded this particular office, it was essential that he should refer the learned Judge now upon the Bench, as well as the Jury, to a decision which took place lately in the Court of King's Bench. The Bishop of Bangor appointed his nephew, who was a minor, to the office of Register, and that minor appointed Mr. Grindley, the prosecutor in this case, Deputy Register of the Consistorial Court of the diocese of Bangor. Generally speaking, a minor can do no formal act without a guardian, but in this case he might, because as he may legally be appointed to the office, and cannot legally exercise it, *ex necessitate*, he must appoint a Deputy, because the office must be filled by somebody legally capable of performing the duty. Here then the necessity of the thing was the reason of it; but the law would not allow the power of the
minor

minor to extend beyond the absolute necessity of the case. But having appointed a Deputy, which was absolutely necessary, the minor could not remove that Deputy himself, because that was an act for which there could not be any absolute necessity. Accordingly we found, that some time after Mr. Grindley was appointed to the office of Deputy Register, an application was made to the Court of King's Bench for a mandamus to appoint a Mr. Roberts into this office instead of Mr. Grindley; but the Court refused to comply with this application; and he had authority to say, that the ground on which it was denied, as my Lord Kenyon himself stated, was this: That before any application could be made on behalf of an infant, the parties making that application should first go to the Court of Chancery to appoint for him a guardian. From this he argued that, during the minority of the Register, and untill a guardian should be appointed for him, Mr. Grindley was in possession of the office of Deputy Register, and there was no legal power in any person whomsoever to remove him, unless by some crime he had created in himself an incapacity to hold the office. Another circumstance to which he must advert was, that the law on the subject was this: When the Register was appointed by the Bishop, and the Deputy by the Register, the power of removing the Deputy (except by certain circumstances the law of the land declared the Deputy unfit for the office) was in the Register, not in the Bishop. If indeed the Register or his Deputy should act contrary to law, the Bishop has power to suspend, but this must be on reason assigned for the propriety of it, and it does not depend on the mere whim or humour of the Bishop. Indeed the thing answered itself in this particular, for if the law intended to give the Bishop power to remove the Deputy Register at his will, why say any thing about his power to suspend?

He then proceeded to describe the situation of the place where this office was held, it being contiguous to the Palace of the Bishop of Bangor. This he did to explain the nature of the Bishop's conduct, and the manner in which he commanded his domestics to open the door of the Deputy Register's Office: and the duty of a Deputy Register, as well as the importance, by way of shewing the necessity there was for Mr. Grindley continuing in the office for a term much longer than the Bishop wished him to possess it; and the danger to which the interests of a material part of the public might be exposed, when Wills, Testaments, Archives, Muniments, and the Juridical Acts of the Consistorial Court should be left without a Register, for so the case must be if Mr. Grindley quitted the office as he was commanded by the Bishop.

He was sorry to detain the Jury so long, but he could not help it; for he thought he had confined himself to the question, and had said no more than was necessary for their understanding

standing the subject which was now before them. He then stated shortly what was the nature of the facts which he should lay before them. [In this part of his Address we shall decline following him, as the subsistence of it will appear from the evidence].

Having done so, he observed, that nothing could be more moderate, in the origin of this business, than the conduct of his Client, the Prosecutor, Mr. Grindley, and with moderation of behaviour, surely, surely, a Bishop ought to have been satisfied. As a guardian of good morals, and teacher of our as divine religion, the Bishop ought not to have interfered with these temporal concerns, and to indulge his anger—Perhaps as a Peer of Parliament he ought to have stood aloof from the whole of this transaction.—Could the Reverend Prelate not have patience untill the Register should have resigned? Or if he thought Mr. Grindley was unfit for his office, why not suspend the exercise of it?—There was something in this that could not be accounted for, unless we referred to the observation of a truly excellent and witty author, who had said of the Clergy that they possessed what *Archimedes* wanted, a fulcrum on which to place his engine, which, if he had, he said he could remove this world out of its present position. They had that fulcrum, for they had another world on which to place their engine; and of which, doubtless, they made good use. Indeed in all spiritual matters it was a maxim of all good men to regard the Clergy as their instructors, their pastors—divine leaders. It was a maxim calculated to shew the truly wise, eminently wise policy in allowing them to possess influence over the minds of mankind, because it improved their morals and prepared them for the enjoyment of that bliss which is to be the reward of the pious and good in a future state. But there was something in their character, which, when they quitted their contemplation of the affairs of the other world and came to blend with the gross concerns of this, that destroyed their excellence; when they meddled with temporal concerns, they retained the same notions of superiority over other mortals without in reality possessing it. Hence, if they are disappointed, they cannot brook it; they cannot smoothen the little irregularities they meet with like men more accustomed to the transactions of this life; for their spiritual temper and apprehension of superiority follows them in their temporal concerns. It is otherwise recorded, however, of a *Sherlock* and a *Louth*, and of many others; but we cannot forget, that, in transacting some of the affairs of this world, a *Woolsey* had his *Ego et Rex meus*, and a *Laud* his haughtiness. Such was the situation of things at this day. It did not signify whether at *Whitehall* or at *Bangor* there is a Court, a pride and a vanity in each, and the same cause will for ever produce the same effect; and he could not account for what had lately happened

happened at Bangor, unless it was that the Bishop had deviated from spiritual to temporal concerns. He acted, as had been stated, and refused to accept of the resignation of Mr. Grindley. He insisted, that the resignation should not be made at all. He could state the reason why Mr. Grindley did not immediately quit the office, it was this: it was impossible for him to do it with safety. He found the Bishop had become hostile to him. He found that could not take place which would have taken place, had he the freedom of his own will and choice, and if he had given it up to the minor, he would have been responsible for whatever happened afterwards in the office without any power to keep the proceedings regular, therefore he had not resigned the office. [Here Mr. Adam recited the remaining circumstances of the case, which will appear in the evidence.] He maintained that those parts of the conduct of Mr. Grindley which bordered most upon violence were perfectly natural, and for which, under the circumstances of the case, he ought not to be reprehended.

He observed, lastly, that although he knew that sympathy was very powerful in its influence on the human character, and although the Gentlemen of the Jury were men of large fortune and high rank (to some of whom he had the honour to be known), consequently felt some sympathy towards the Bishop, yet he knew their love of justice too well to have any doubts that they would administer justice independently; and he had now brought before them the case of a man of high rank, but who was nevertheless, thank God, amenable to the laws of his country.

Samuel Grindley swore he was appointed Deputy Register to the Consistorial Court of the Diocese of Bangor. That he held the office under Mr. Gunning, the Bishop's nephew, who deputed him to that office on the 14th or 15th of February 1792. That he continued to discharge the duties of that office adjoining to the Bishop of Bangor's Palace up to the 22d of February last. That he saw Mr. Gunning in the later end of October 1794. That he paid money to the amount of 70l. a year to the Bishop of Bangor on Mr. Gunning's account, who is a minor. That the Bishop made the bargain between Mr. Gunning and Mr. Grindley. 100l. a year was at one time talked of, but it was afterwards settled at 70l. He entered on the office and filled it to the time he mentioned; and continued to pay the 70l. a year to the Bishop on account of his nephew to the 22d of February last, and then he offered to pay it to any other person who should be appointed to receive it. He afterwards saw the Register, Mr. Gunning; the Bishop brought him to the witness, and introduced them to each other as Register and deputy Register in the drawingroom at the Palace. He had some conversation with the Register, who was then about
seventeen :

seventeen : The witness gave him satisfaction as his Deputy, and the Register told him he was appointed Deputy by his uncle the Bishop. He believed there was nobody who would lay to his charge that he had not properly filled the duties of the office of Deputy Register. The Bishop said to the witness, I know you are Deputy.

Being asked whether any conversation took place between the Bishop and him, respecting the procuring of election influence?

Mr. ERSKINE objected to the question as an irregular one, which, after some debating, was given up, the learned Judge being of opinion that this was only matter of aggravation in case the Defendants should be convicted.

Mr. Grindley then proceeded in his evidence. He described the place where the office is kept, of the outer and inner doors, &c. and of its being contiguous to the Bishop's palace. That he (Mr. Grindley) had a resident Clerk at this office, and sent another of his Clerks there when that was necessary. That on the 4th of January Mr. Grindley was at Lord Newberry's, and afterwards returned to Bangor on the 7th, and then he found that his office had been broken open on the night before, and the Bishop told him it had been broken open by his servants by his orders. Here Mr. Grindley described the manner in which the office was broken open, and how afterwards another lock had been put upon the door. Mr. Grindley said he was exceedingly surprized. He then went to Bangorferry. He having a great number of papers in the office, he thought it essential for him to take care of them. He returned afterwards to his office about ten in the morning with three servants and two clerks, and gave directions to force the outer door of the office open; and it was accordingly forced. He then gave directions to force the inner door open, and walked out while they did it; he saw Mr. Jones, one of the Defendants; to the best of his recollection he came out of the Dean's garden. He walked into the office, into what they call the hall there, and placed himself against the inner door with intention to prevent his getting him out. He asked Mr. Jones what he wanted there; that he should go about his business; that he had no business there. He said it was his office. Mr. Grindley asked him to go out. He wrestled with Mr. Grindley and put his hands against the door. He said he was in sight of the Bishop's servants, and he called out to them to come to his assistance, and then John Rasbrook, the Bishop's steward, said to the Bishop's servants, "follow me," and five, six, or seven of them came. Mr. Grindley then said to William Roberts, "put Mr. Jones out, take him out."

Mr. Grindley had in his pocket an empty pistol, and he told Rasbrook if he advanced another step he would shoot him; then Rasbrook ran away, and the other servants of the Bishop stopped all on a sudden. Mr. Grindley and his men all went

into the office; shut the door, and fastened it as well as he could, and remained there about a quarter of an hour. Mr. Grindley was at the upper end of his office, and his servant said there was a loud rapping at the door. He went there, but did not know who was there; but he said if any one entered his office by force, they would do it at their peril; and this he said loud enough to be heard at the outside of the door, where there were several persons.—Mr. Grindley then loaded a pistol with powder and shot, but not with ball, and then he repeated that he was armed with pistols, that if any would come there he would defend himself in his office, and said he should shoot the first person who came. He then heard a voice say, "Will you shoot the Bishop?" Then Mr. Grindley knew the Bishop was there. "Open the door to the Bishop;" the voice said—"Yes, my Lord, immediately, provided your Lordship will enter peaceably." He was sure the Bishop must have heard this. He then put his pistol in his pocket, and went to a chair at the desk, and desired that the door might be opened. It was so, and the Bishop entered in a great rage. Some other persons came with him, but the Bishop was in such a rage that he did not notice who they were. The Bishop then said to Mr. Grindley, "I will turn you out immediately, you shall not stay here." On which he said, "I will behave towards your Lordship with propriety, but I certainly will not leave the office." The Bishop was then agitated with a very violent passion. He took hold of Mr. Grindley and left him, and went to William Roberts, and then the Bishop laid hold of a person of the name of Robert David, Mr. Grindley's stable boy, and attempted to pull him out. The Bishop then went to William Roberts, Mr. Grindley's husbandman, and pulled him towards the door, and then for a long time the Bishop was walking about in a very violent passion; and he had a handkerchief to his face, and appeared in a great perturbation. He was in a passion which is not usual for Bishops to be in. He said to one of his servants, "Come and take him out," and then a servant of the Bishop said in Welsh, "Shall we lay hold of him?" Mr. Grindley gave no direction to his servants to be violent, he only told them to stay in the office. Mr. Grindley begged for peace of the Bishop over and over again, but said, that the place he was in was his castle, and that he had a right by law to defend himself in it, or to that effect. When the Bishop ordered his servants to turn Mr. Grindley out, he (the Bishop) sent for Mr. Cuffin, a Magistrate, who behaved with great quietness. After this John Roberts came up, and he was also in a very great rage, and made use of very abusive language. He said as nobody else would turn Mr. Grindley out he would do it himself. Mr. Grindley told him he had pistols—"Pistols!" said he. "If you have pistols shoot me, do not shoot the Bishop." He was then standing in the office, and he repeated
over

over and over again in the most outrageous manner, saying to Mr. Grindley, "come out with me if you dare," adding, that he should not be afraid of Mr. Grindley in any place, to which Mr. Grindley replied he would be at his service another time; Mr. Roberts continued his abuse for a long while but Mr. Grindley said nothing more to him.

Hugh Owen, a Clergyman, came into the office, and he behaved in a very insulting manner, and made a great noise.—Mr. Grindley told him if he had business to transact in the office he was ready to transact it—if he had not he desired him to go about his business. There was a Mr. John Williams there also, but he was less noisy than the rest of them. Mr. Grindley asked him, if he had any business in the office? and said, that if he had not he should retire; he made no reply, but staid there against Mr. Grindley's will. He afterwards told Mr. Grindley, that he was to stay there at the request of the Bishop. Mr. Thomas Jones also conducted himself very riotously. Mr. Cuffin, the Magistrate, only said, in God's name, what is the cause of all this? Mr. Grindley replied, he did not know the cause—that the Bishop and his Chaplain came to the office, and behaved in a very riotous manner.

The Bishop immediately said, Mr. Cuffin, do your duty.—The witness replied, if the parties had any business, let them have it transacted; if not, he wished Mr. Cuffin to do his duty in ordering them away. Mr. Cuffin declined interfering.

At last Mrs. Warren, the Bishop's Lady, came there, attended by two Ladies, and desired the Bishop to go away with them, and Mrs. Warren pulled the Bishop by the coat, and intreated him very much to go, which he refused often—at last he did go.

CROSS-EXAMINED BY MR. ERSKINE.

Thomas Dodd, his Clerk, occasionally kept the key of the office. Witness desired the Clerk not to deliver the key to the Bishop; he wished to prevent either the Bishop, or any other person from obtaining possession of the office, as he had things of great importance there, such as stamps worth 300l. &c. He heard the Bishop had got possession of the Great Seal, and was fearful he would gain possession of the key and the whole of the office. The Bishop took off the lock, and put on a new one. He had no intimation from the Bishop that he might have the new key to take out what he wanted. He desired his servants and blacksmith to get powder and shot, to come to him to defend him if he got possession of his office. The pistols were not brought, but he got them from Mr. Jackson, of Bangor. He ordered the blacksmith, &c. to break off the lock. Jones, who was in possession, did not call for assistance till the Witness attempted to put him out. The Bishop did not say he might have had the key to have entered

tered without violence.—The Bishop did not say the Law must take its course with you, and then go away. The Witness was not confirmed *in writing* by the Register, Gunning. (*A Book produced.*)—He has seen it before; has read it; never saw it in manuscript, nor any part of it; heard first of the Pamphlet through the Public Newspapers; he delivered an account to several friends of the Bishop's conduct, but had no idea that afterwards it was to be converted into a Pamphlet.—In justification of his conduct, he gave to several friends the Copies of the Letters in the Pamphlet; saw these Pamphlets in circulation in Wales.

RE-EXAMINED BY MR. MANLEY.

Had no such message from the Bishop, as that the key was ready for him. After the Bishop came in, he said, "turn out Grindley." The motive for delivering his Letters which had found their way into the Pamphlet, was solely to vindicate his own character.

JOHN SHARP SWORN.

On the 7th of January he was with the Bishop and Mr. Grindley, when the former acknowledged having given orders for breaking open the office. He does not remember the Bishop saying Grindley might have the key, but, on the contrary, the Bishop said, Grindley should not gain admittance.

CROSS-EXAMINED.

The Witness got possession of the key in the evening of the 6th, and conceived it was delivered to him, to keep it from the Bishop, as Dodd, who generally had the key, could not so well be relied on. The first person that applied for the key was Dodd, for the Bishop, as he supposes—he refused, and in doing so conceived he was obeying Grindley's orders.

THOMAS PRITCHARD SWORN.

He is Clerk to Mr. Grindley, and was at Bangor on the 8th of January; he went into the office with Mr. Grindley—heard a knocking at the door; Grindley went to the door, and said he would admit his Lordship, who clenched his fists, and walked about in a great passion, while Grindley was sitting at his desk. Roberts, the Bishop's Chaplain, began to swagger, and said, Grindley might shoot him, and challenged him out. The Bishop took hold of one of Grindley's servants by the throat, and after shaking him, went on to another.

CROSS-EXAMINED.

The first of the riot was occasioned by Grindley's attempt to turn out Jones.

JOHN THOMAS SWORN.

The Bishop entered the office in a great passion, stamping his feet, saying, "fine work, fine work!" yes, said Grindley, fine work in breaking open my office. Your office! said the Bishop, you must quit it. The Bishop then went towards Grindley, as if he had a mind to collar him. The Bishop afterwards

afterwards grappled Roberts, one of Grindley's servants, by the collar, and attempted to push him towards the door. Roberts, Chaplain to the Bishop, challenged Grindley out to fight, but Grindley said he would meet him another time.—The Bishop called, "turn them out, turn them out." He did not hear the Bishop say, the Public Records were there, and they must not remain in improper hands.

Mr. ERSKINE thought there was no occasion to call evidence; and the Counsel for the Defendants seemed to think the matter so clearly in favour of their Clients, that there might be no reason to proceed further. The Jury consulted a short time, and they, as well as the Judge, seeming inclined to proceed, Mr. Erskine, after ten minutes consultation, finally resolved to call no evidence in defence.

Mr. ERSKINE, in Defence, said, during his long experience at the Bar, he never had found himself in a state of greater embarrassment than at present. He was embarrassed how he should defend men who should themselves have been the Prosecutors in this indictment. When his Learned Friend Mr. Adam said, he would conduct the Prosecution with moderation, and on the true principles of Christianity, no one would doubt the fact, but he suspected the Prosecutor had set this declaration down in Mr. Adams' instructions, in order that he might blend the character of the Counsel with that of the Client. It was easy to see what part of Mr. Adams' speech was his own, and what part of it came from the quiver of his Client. The whole object of the Prosecution was to expose and degrade the Bishop of Bangor. Whether a verdict of guilty, or not guilty, was given, was a matter of indifference to those who preferred this Indictment. If the Bishop's conduct was made public, their purpose was answered. That Rev. Prelate had been libelled in the most gross manner, by pamphlets and paragraphs in the Newspapers. It was well known from what quarter they came; they were the work, not of Mr. Grindley, but of men of higher rank. It could not be supposed that Mr. Grindley could afford to pay for bringing his friend Mr. Adam from London. The prosecution was levied by men, every one of whom had been guilty of indictable offences, and should now have been the subjects of prosecution instead of his Reverend Clients. What are the parties in relation to one another, what the transaction, and what the Law? The parties on one side are a Reverend Prelate and three Members of his Church: the parties on the other are men of a much lower description, who are themselves the instruments of others. The Bishop is responsible for the Archives, and not a paltry Clerk; but as the King has his Ministers to transact the business of the Nation in his name, so the Bishop has his Officers to act under him in like manner. This man, Grindley, is the last and lowest of those Officers with the Bishop of Bangor. The Bishop may appoint a Register

gister for life, but the Register cannot appoint his Deputy without the consent of the Bishop. Grindley had no regular appointment. He was only put into the office to transact the business by the Bishop, and this step was acquiesced in by the Infant Register. It is true the Act of Charles the II^d. lays down the necessity of appointing a Deputy, but then the Register may appoint, and the Bishop must sanction. The Bishop dismissed Grindley, and he refused to be dismissed.—Can it be true that he had a right to the office paramount to that of the Bishop, because he put a few of his private papers among the archives? Shall he come within the precincts of the Bishop's Palace, armed with pistols, to shoot the first man who entered an office that was under the Bishop? Grindley did wish to retain possession of the key, to the exclusion of his Lordship, who was so deeply interested in the papers in the office, and so fully responsible for them. Suppose the Register, who has the care of the Court of King's Bench, who only hands a letter, or puts a few wafers in the box, were to refuse Lord Kenyon admission, and say he had a right to defend himself with pistols; it was his castle, and Lord Kenyon were to insist on admission, would his Lordship be indicted for a riot? Can the Bishop be charged with any thing improper for obtaining entrance into his own Consistorial Court, taking off the lock and putting on a new one? Nice distinctions have been taken respecting the pistols; but suppose a man were to break into a house, and holding out a pistol threaten to shoot the owner? Would it afterwards on his trial be admitted as a justification, that the pistol was not loaded? The Prosecutor has claimed credit for moderation, for not wishing to catch a Verdict by a hair, by making a count in the Indictment for a common assault; but he has kept in the back-ground, for another Indictment is preferred by the Blacksmith, for a common assault by the Bishop. All the assault on Grindley, was merely holding up his hands: he did not threaten, nor make any attempt to strike; and was it not natural that he should be moved to anger, when he saw a riot breeding by the Prosecutor; when he saw, on his arrival at the Register's Office, that three indictable offences had been committed? Grindley, who actually began the riot, said he wished for peace, and at the same time clapped his hand on his pistol; but the Bishop sent for a Magistrate: And is that a proof that he wished for a riot? If a verdict is given for the Prosecutor, then men will in future be afraid of stepping forward to quell riots, lest they themselves should be indicted like the Bishop for having began it.

Pamphlets and Libels had been plentifully circulated against the Bishop, and this prosecution was only a part of the system of calumny employed against his Lordship. The whole Priesthood even were attacked, and the necessity of sweeping them away, as had been done in France, was urged, for their interference

ence in temporal concerns. For the same purpose in the beginning of the French Revolution the massacre of St. Bartholomew was acted on the stage at Paris; for the purpose, not of exciting horror at the Massacre itself, but of creating detestation at the whole Priesthood, and the speedy consequence was the destruction of the Bishop of Paris, one of the best men in Europe, who had been known only for his acts of benevolence. Should a verdict be obtained in the present case, against the Bishop of Bangor, it would give the vulgar an opportunity of saying that the Bishops are all alike bad. He was happy Mr. Adam was obliged to go so far back as Wolsey and Laud for examples in our own church. This was a proof of the respectability of our Modern Clergy. Mr. Erskine said, the Evidence for the Prosecution had proved sufficient to shew the innocence of his Clients, and he would not call any Witnesses in defence, lest it might be said, that they gave a new gloss to the matter, and seem by such conduct to confess, that something had been proved against the Bishop.

Mr. Justice HEATH observed to the Jury, that this was an indictment against the Bishop of Bangor and the other Defendants, which stated that on the 8th of January, Samuel Grindley was, and still is, Deputy Register of the Episcopal Consistorial Court of the Bishop of Bangor, that he was transacting business there, and the Defendants intending to disturb the Prosecutor there, riotously, &c. entered the place, and assaulted the Prosecutor there.

This was the substance of the indictment, Now the definition of a riot had been truly stated to be three or more persons assembling with intent mutually to assist each other, to resist all who shall oppose them in their attempt to break the peace for a private purpose, &c. Now before he summed up the evidence, he should state these things particularly to which they should direct their attention, and then they would consider of the evidence. First, it must be proved to their satisfaction that Mr. Grindley was the Deputy Register of this Office; that in right of that office he made use of this room; that the Defendants broke and entered that room, and made great disturbance there. These things must be proved to their satisfaction. Now Mr. Grindley, the Prosecutor, told them that in February 1792, he was appointed under Mr. Gunning, who was then a minor: that he paid seventy pounds a year to the Bishop: that he made the bargain with the Bishop: that he entered the office as Deputy: that he was invited by the Bishop, and that the Bishop introduced him and Mr. Gunning to one another: that there was no complaint of him that he did not discharge the duties of the office: that he continued to discharge that duty to the 2d of February last: that this room is contiguous to the Bishop's palace: that he had a clerk resident there: that he told the Bishop he would resign: that he received information of
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the office being open, and the Bishop acknowledged it was done by his servants by his direction. Now, in the first place, it did not lie in the mouth of the Bishop that this was all an appointment under his office; Mr. Grindley was in the exercise of that office; he paid to the Bishop's nephew 70*l.* a year.

Supposing it to be true that the Bishop had the power, (which did not appear) it did not follow from thence that he ought to break open the door by force and violence. If he had any right to the possession of that office, he ought to obtain it by process of law. The Judges of the Courts of King's Bench and Common Pleas have the right of presenting certain persons to certain offices in their Courts, and others claimed rights of importance to present persons to offices at the Old Bailey, and questions had arisen upon points connected with religion in the same way. If the parties differ as to the question in whom the right of appointment is, each must appoint his own officer, and one of them must bring his action against the other to try who in truth has the power. If the Bishop had this right of displacing the Deputy Register (which did not at all appear to the learned Judge, for it did not follow that the Bishop had a right to dismiss, although he might have a right to appoint) if the Bishop had that right and power, it behoved him to call on Mr. Gunning to appoint another Deputy, if the person already appointed was improper. The question therefore was here—Was the Bishop in peaceable possession? No man is in peaceable possession of a place which he comes to by force and violence. The Bishop committed violence by breaking the lock. The first violence was on the part of the Bishop. He had no right to do this.

It appeared from the evidence of the Prosecutor that he came armed with pistols—that was improper, he thought; he broke open the lock which the Bishop had put on—that was not improper; it was lawful for him to do so; when Mr. Rasbrook came to the office, the Prosecutor presented a pistol—that was highly improper, a man has a right to defend himself, but he should defend himself by the law while he can do so. He has no right to use force to defend his close, because he has other legal means to protect himself in that particular, and here the prosecutor acted with more violence than he ought to have done; but that was not an excuse for the Bishop—that was an excuse for Rasbrook, for he was provoked, but not for the Bishop, for he was not provoked. The Bishop seemed to have laboured under a very great error in the whole of this case—First, that he had a right to take this place from the Prosecutor. Secondly, to withhold it by force and violence.—He had no such right. The Prosecutor stood on the defensive, and although he had no right to arm himself to defend his close, yet if he does so, he is not guilty of any riot.—The Prosecutor said, he would shoot any one that should enter; that he was not right

right in doing, but that was no riot, and therefore the riot does not begin with the Prosecutor. He then loaded his pistol, and the Bishop entered in a rage, but all that was nothing, except to shew whether the story was probable or not. The prosecutor said he told the Bishop he would behave with moderation. He said the Bishop took hold of him and another person in the office, and that the Bishop came towards the witness in the manner described by him. His taking hold forcibly of the prosecutor was an assault. His taking hold of the other man by force was another assault—his coming up to him and threatening to strike him (if he was near enough to strike him), was another assault.

In short the Learned Judge thought there was abundant evidence in this case to convict, unless the Jury saw a reasonable ground to disbelieve it.

The Jury consulted about ten minutes, and gave their verdict that all the Defendants were *Not Guilty*.

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